

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROBERT CHAVEZ,) NO. EDCV 15-1104-DDP (KS)
Petitioner,)
v.)
)
MARTIN BITER, Warden,) ORDER ACCEPTING FINDINGS AND
Respondent.) RECOMMENDATIONS OF UNITED
) STATES MAGISTRATE JUDGE
)
)
)

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus (“Petition”), all of the records herein, the Report and Recommendation of United States Magistrate Judge (“Report”), and Petitioner’s Objections to the Magistrate Judge’s Report and Recommendation (“Objections”). Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a *de novo* review of those portions of the Report to which objections have been stated.

The Court concludes that the arguments presented in the Objections do not affect or alter the analysis and conclusions set forth in the Report. However, in adopting the Report, the Court amends line 23 of page 14 of the Report And Recommendation to omit the phrase

1 "in close proximity to a vital organ" so as to more accurately describe the location of the
2 victim's bullet wound.

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4 Having completed its review, the Court accepts the findings and recommendations set
5 forth in the Report. Accordingly, IT IS ORDERED that: (1) the Petition is DENIED; and (2)
6 Judgment shall be entered dismissing this action with prejudice.

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8 DATED: April 28, 2016



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10 DEAN D. PREGERSON
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12 UNITED STATES DISTRICT JUDGE
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